

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 181X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN LANCASTER COUNTY, NE

Decided: April 10, 2002

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 to abandon a 9.0-mile line of railroad over the Jamaica Industrial Lead from milepost 57.0 to the end of the line at milepost 66.0 in Lincoln, Lancaster County, NE.¹ On October 16, 2001, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the City of Lincoln, Nebraska (City), to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding.² The negotiating period under the NITU is scheduled to expire on April 15, 2002.

On April 8, 2002, the City filed a request to extend the negotiating period until June 14, 2002. The City states that it and UP have been unable to complete negotiations, and that discussions have been delayed awaiting accurate descriptions and appraisals of the property. UP agrees to the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to June 14, 2002.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ Notice of the exemption was served and published in the Federal Register on September 17, 2001 (66 FR 40876-77).

² The October 16, 2001 decision also imposed a public use condition (which will expire on April 15, 2002) and imposed conditions that required UP to: (1) consult with the U.S. Department of the Army, Omaha District, Corps of Engineers, prior to salvage activities to determine if permits are required under section 404 of the Clean Water Act, 33 U.S.C. 1344; and (2) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers.

³ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. The negotiating period under the NITU is extended to June 14, 2002.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary